

Records Management

Basic Information

For Local Government Agencies

Title 5: ADMINISTRATIVE PROCEDURES AND SERVICES

Part 1: STATE DEPARTMENTS

Chapter 6: STATE ARCHIVIST (HEADING: PL 1973, c. 625, @16 (new))

§95. Powers and duties of State Archivist

7. Records management program. To establish and administer in the executive branch of State Government an active, continuing program for the economical and efficient management of state and local government records, and for the proper disposition of local government records. Upon request, the State Archivist shall assist and advise in the establishment of records management programs in the legislative and judicial branches of State Government and shall, as required by them, provide program services similar to those available to the executive branch. The State Archivist shall, with due regard for the functions of the agencies concerned:

- A. Provide standards, procedures and techniques for effective management of state and local government records in the conduct of business; [1997, c. 636, §5 (amd).]
- B. Recommend improvements in records management practices, including the use of space, equipment and supplies employed in creating, maintaining, storing and servicing state and local government records; [1997, c. 636, §5 (amd).]
- C. Establish schedules, in consultation with the heads of state agencies and local government agencies, under which each agency shall retain records of continuing value, and dispose, as provided by this chapter, of records no longer possessing sufficient administrative, legal or fiscal value to warrant their further keeping for business purposes; and [1997, c. 636, §5 (amd).]
- D. Obtain such reports from state or local government agencies as are required for the administration of the program. [1997, c. 636, §5 (amd).]

The head of each state agency or local government agency shall establish and maintain an active, continuing program for the economical and efficient management of any records in compliance with the standards, procedures and regulations issued by the State Archivist.

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§95. Powers and duties of State Archivist (continued)

8. Transfer of state records. To provide for the transfer to the archives of state records, disposed of under subsection 7, paragraph C, that have archival value; [1991, c. 837, Pt. A, §9 (amd).]

9. Destruction of state records. To authorize and receive confirmation of the destruction of the state records of any state or local agency that, in the opinion of the head of the agency, are no longer of value to the state or local government agency, and that, in the opinion of the State Archivist and the Archives Advisory Board, have no archival value to the State; [1995, c. 148, §8 (amd).]

10. Transfer of state and official records. To receive all state records transferred to the Maine State Archives under subsection 8 and to negotiate for the transfer of official records from the custody of any public official not governed by subsection 7. The State Archivist shall charge a fee sufficient to cover the cost of receiving and processing all transfers from the custody of any public official not governed by subsection 7. The fees collected must be deposited in the General Fund. Any public officer in Maine is authorized to turn over to the State Archivist those official records legally in that public official's custody that are not needed for the transaction of the business of that office, whenever the State Archivist is willing and able to receive them. Whenever such a transfer is made, the State Archivist shall transmit to the office from which the records are transferred a memorandum in which such records are described in terms sufficient to identify them, which must be preserved in the transferring office. Unless otherwise directed by law, the state records of any public office, commission or committee in the State must, upon the termination of its existence or functions, be transferred to the custody of the State Archivist; [1997, c. 636, §6 (amd).]

What are records, anyway?



RECORDS: All books, papers, photographs, maps, or other documentary materials, regardless of physical form or characteristics, made or received in connection with the transaction of public business, which are maintained because they serve as evidence of the functions, policies, decisions, procedures, operations and other activities of state organizations or because of informational value contained therein.

Source: *Guidelines for Your Records Management Program*, Maine State Archives

What are “vital records”?

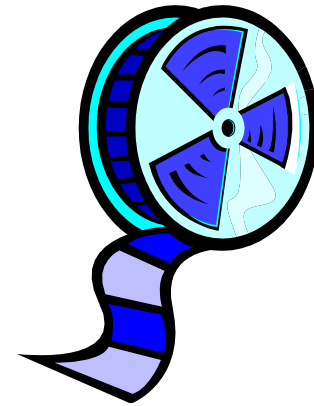
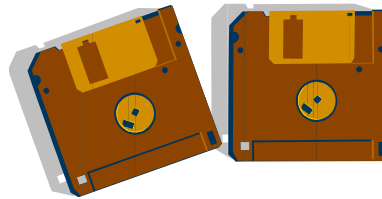
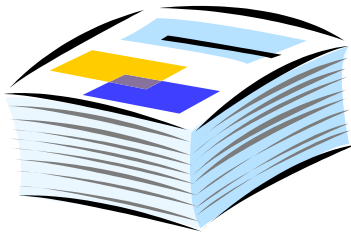
In genealogical terms: Births, marriages, divorces, and deaths.



But for everyone else, vital records are **those without which your organization cannot continue to operate.**

Safeguarding your vital records is one key benefit of an effective records management program.

When records are kept in more than one format, you should identify an **official “record copy”** to which you will apply the full retention period. When the record copy is electronic, it’s important to identify the storage location (directory and subdirectory) so that all changes are made there.





The Life Cycle of Records

Creation: Receiving or generating information for the first time

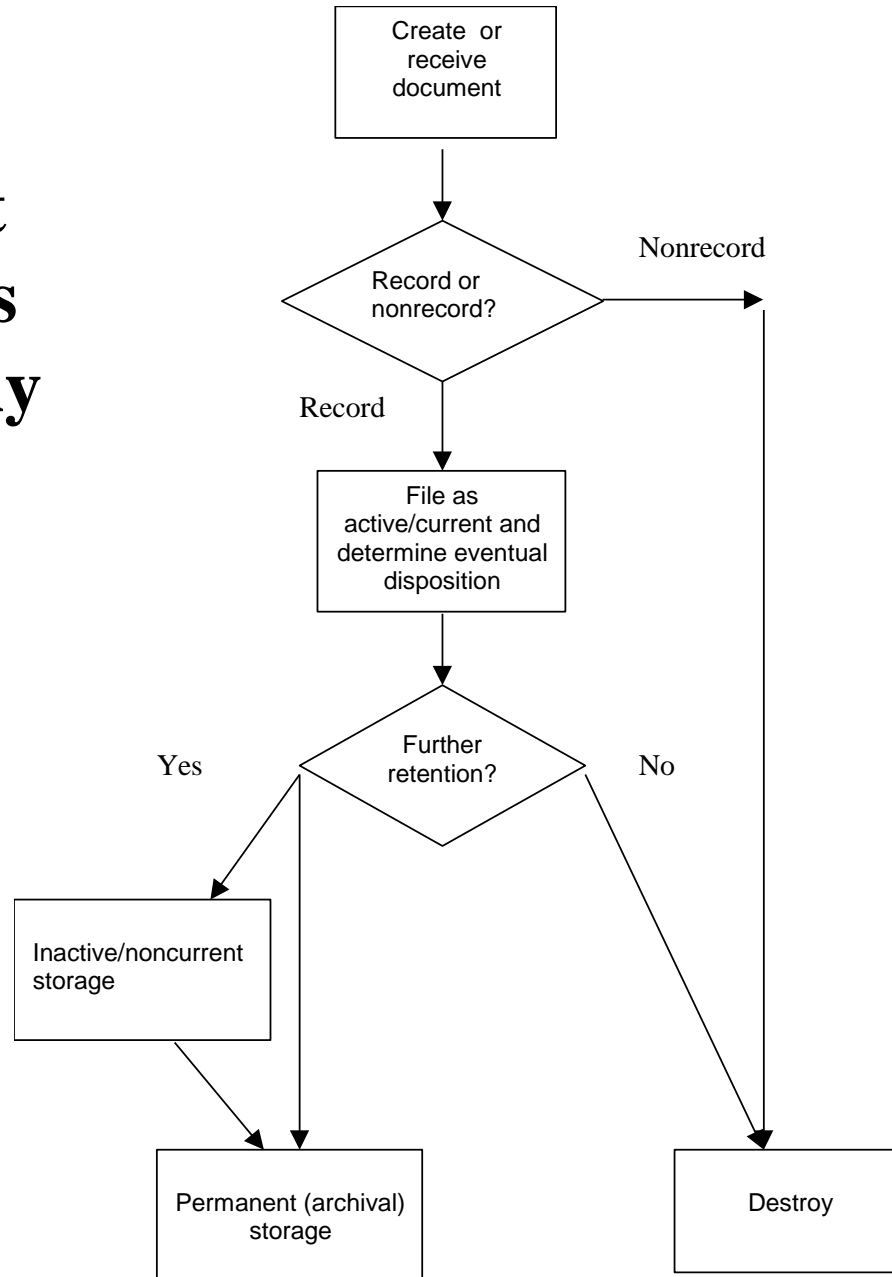
Active/Current: Using or referring to it regularly in the course of business

Inactive/Noncurrent: Infrequent need, but kept for fiscal, administrative, legal, or historical purposes

Disposition: The final fate of a record - how long will it be kept, by whom, and under what conditions

Source: Kansas State Historical Society

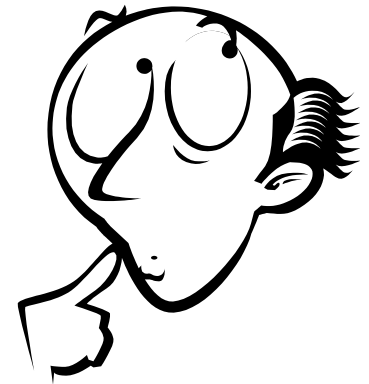
Life Cycle Flow Chart (the process as it actually happens)



Think before you create that record! Is it really needed?

Two ways to create records:

- Receive a document and incorporate it into your official files
- Author a document and retain a copy



Materials you might choose to avoid filing:

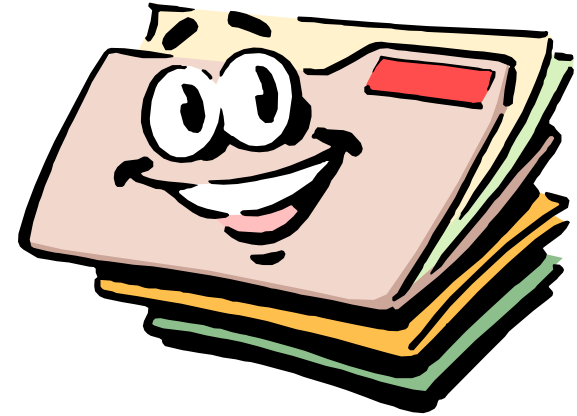
- “Convenience copies” of documents filed elsewhere
- Notes made for your own reference, that you no longer need
- Copies of published materials
- Sample letters or forms

RECORDS SERIES: A group of identical or related records that are normally used and filed as a unit. (traditional definition)



RECORDS SERIES: A group of records that are created by the same business process, that document the same type of transaction. (updated definition)

What are the benefits of having a well-planned, consistently followed records management program?



- Easy to locate information when it's needed
- Records that should be destroyed, are destroyed
- Record destruction is systematic and accurate
- Less need for storage of all types
- Records that should be retained, are retained

What are the dangers of having no program?



- Lost presumption that records are correct and complete
- Waste of resources to store records
- Waste of staff time to search records
- Possible (unnecessary) liability
- Inability to locate information when needed
- “Destruction by neglect”

What can happen to an organization that has a program it doesn't follow?



- Poor management of information assets (waste of resources to store and search)
- Lack of enforcement invites ad hoc decisions by record custodians
- Haphazard/reactive records destruction = liability, and possible loss of historic or vital records

While you are not under any legal obligation to destroy records as they become eligible, as long as they exist you are obligated to reference them.

Judges and arbitrators are likely to view retention schedules that aren't followed as evidence of an inadequate records management program. (Or worse, as evidence of intentional wrongdoing.) So it's not only storage space you save by following your schedules in a systematic way!



Studies show that eighty-three percent of the cost of maintaining your current filing system is personnel time and the average cost of a misfile could be as much as \$100 per occurrence.

Source: Mid-America Business Systems





Review: What is records management, and why does every organization need it?

- **Space Savings**
- **Reduction of expenditures for filing equipment**
- **Increased efficiency in retrieval of information**
- **Compliance with legal, administrative, fiscal and historical retention requirements**
- **Identification and protection of vital records**
- **Control over creation of new records**
- **Identification of historical records**

Source: Florida Bureau of Archives and Records Management

The right format for your records - which is best, and why?

- Paper
- Microfilm
- Microfiche
- Electronic/digital

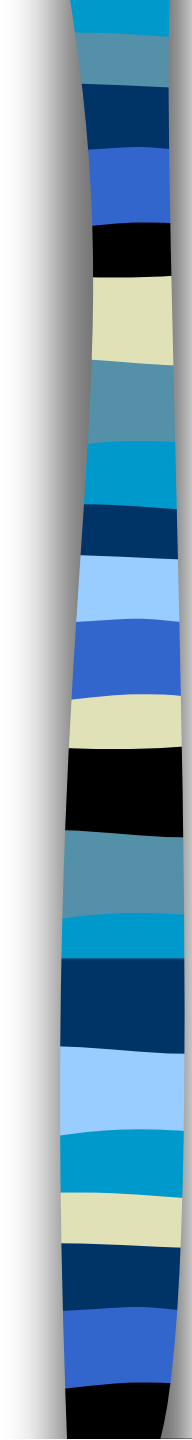




What are the legal and archival requirements for each format?

What the two terms actually mean, and the basics for ANY recorded information:

- Controlled access
- Audit trail that tracks changes
- Business records accepted as evidence; not treated as “hearsay” (considered reliable in a sense other documents are not)
- Medium appropriate to length of retention period
- Records covered by an approved retention schedule
- Retention schedule followed and destruction documented



Make sure your policy addresses reformatting of digital records in a realistic, customer-friendly manner (i.e., that the answer to, “May I have it electronically, please?” when the record is already in digital format is not, “You’ll take it as a printout or you won’t get it at all.”).



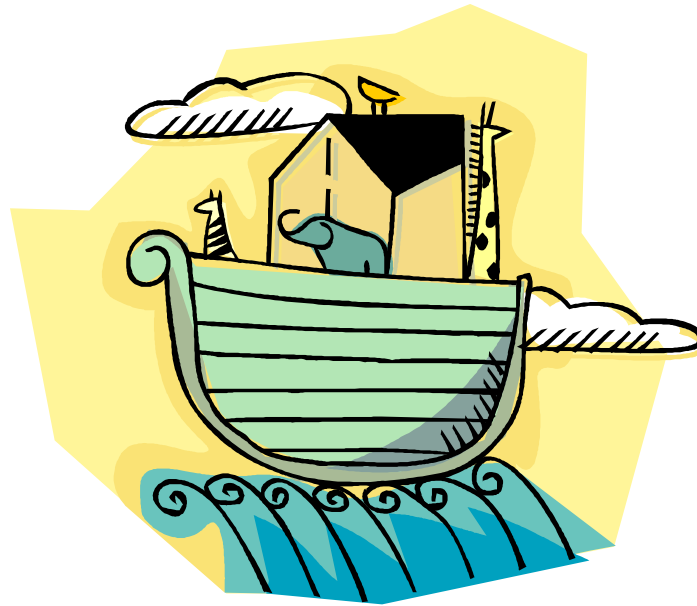
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408. Public records available for public inspection

Except as otherwise provided by statute, every person shall have the right to inspect and copy any public record during the regular business hours of the custodian or location of such record; provided that, whenever inspection cannot be accomplished without translation of mechanical or electronic data compilations into some other form, the person desiring inspection may be required to pay the State in advance the cost of translation and both translation and inspection may be scheduled to occur at such time as will not delay or inconvenience the regular activities of the agency or official having custody of the record sought and provided further that the cost of copying any public record to comply with this section shall be paid by the person requesting the copy.

Per the State Archivist, this applies to all local government agencies as well as to State agencies.

Disaster preparedness: Are you
“ready for anything”?





Preparations any office should make:

- Prepare a written disaster plan, including an emergency contact list (how to get in touch with employees, and others whose help may be needed, outside of business hours)
- Kit with basic supplies (scissors, plastic sheeting, tape, flashlights and batteries, “pig mats” to soak up water)
- List the highest priority records and their physical locations in the facility, and keep a hard copy off site
- Communicate with your local fire department, so that they will know you have records stored in the building and will NOT do additional damage while extinguishing the fire
- Keep backups (for your computer records, plus any microfilm copies of paper records) off site, so that you cannot lose all copies in the same disaster



Backing up your electronic files

- Remember that backups are not “records,” but are nevertheless subject to discovery
- Choose a backup method that will be transparent to the users, or at least easy for the users to perform
- Have a written policy, and automate the routine if possible
- First, last, and always: **BACKUPS SHOULD BE STORED OFF SITE!!!**



How to set up and manage your electronic files

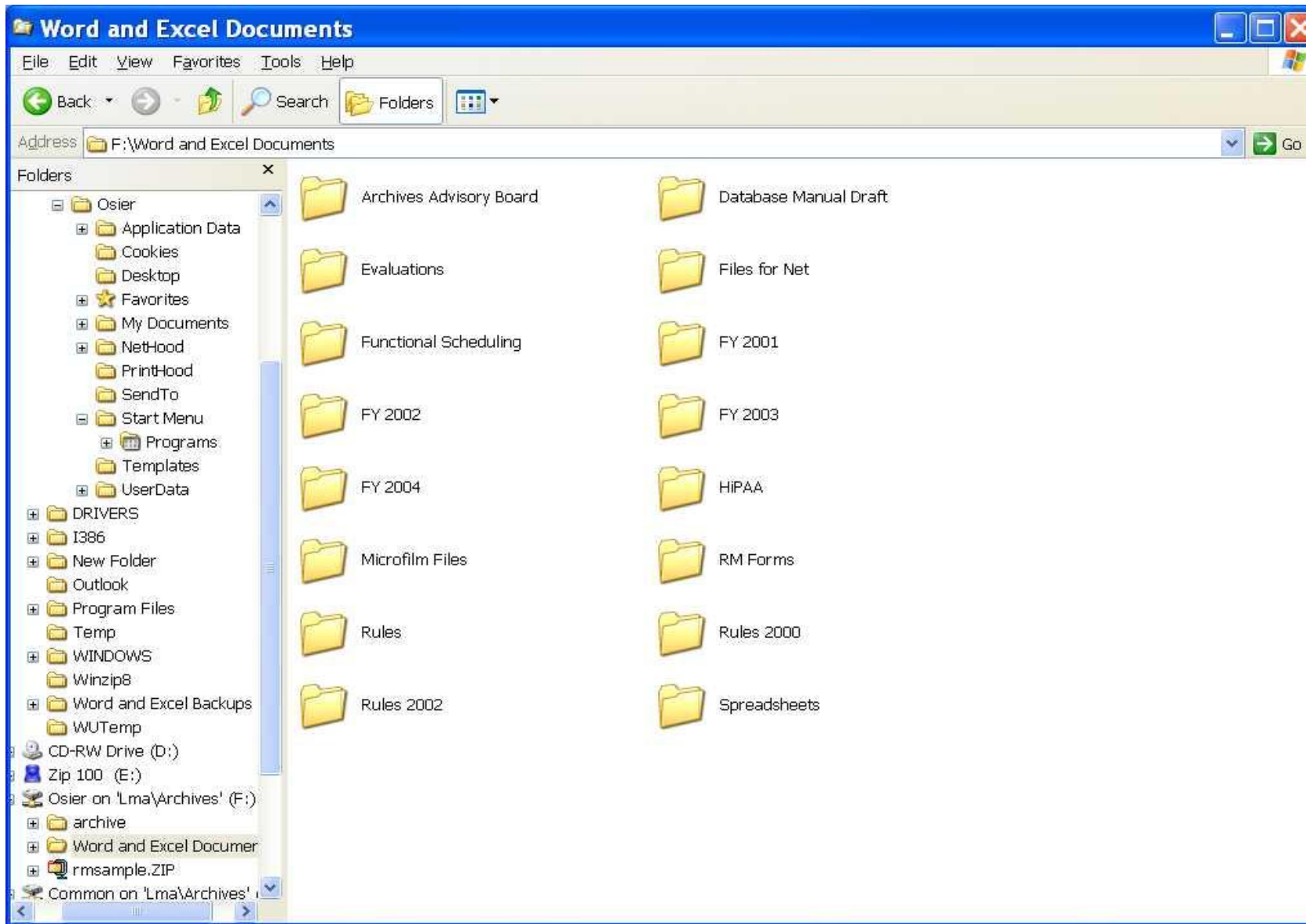
- Document **all** databases, and retain the documentation for the same period of time as the data.
- File nonrecord materials (forms, convenience copies, etc.) separately from record copies to which retention requirements apply.
- If you have a file server, store all business records there instead of on individual PC hard drives.
- Follow a regular backup routine and store the backups in a different building, preferably some distance away.
- Do not save multiple drafts unless they show major changes, or were circulated during formulation of policy.
- Create a directory and subdirectory structure that is easy to understand, and then follow it when saving documents. Use monthly and annual file breaks to make applying your retention schedules easier.
- Name your files in a consistent manner, preferably according to a policy followed throughout your organization.



File naming challenges:

- Uniqueness: Since files can be moved to other directories and subdirectories, they should be given names that will still be unique after this happens.
- Persistence over time: Each file name should outlast the person who created and named that file. In other words, it should still make sense after you and your current staff members have moved on.
- Access and ease of use: A simple, straightforward file naming policy is more likely to be followed, and people are more likely to be able to retrieve the records easily.
- Ease of administration: The policy should work with your existing computer system. It should not require an overlying “document management” or “files management” software product, unless you are prepared to make that investment and upgrade or migrate as necessary.

Example of a Director's Files on State Agency Server:



Example of Subdirectory Structure for Director's Files:

